

CONGRATULATORY RESOLUTIONS

H.C.R. 1 - (Montford, Bivins): Honoring Dr. Marvin L. Baker for his many years of distinguished service to South Plains College and the State of Texas.

S.C.R. 9 - By Ratliff, Haley: Commending Rhonda Rene Morrison on her exceptional achievements.

S.R. 62 - By Turner: Extending congratulations to A. B. and Mildred Ham on the occasion of their 50th wedding anniversary.

S.R. 63 - By Turner: Extending congratulations to Art and Alcan Sander on the occasion of their 50th wedding anniversary.

S.R. 64 - By Turner: Extending congratulations to Wayne and Sydnee Butler on the occasion of their 50th wedding anniversary.

S.R. 65 - By Lucio: Honoring Captain Homer G. Saenz on the occasion of his retirement after more than 30 years with the Brownsville Police Department.

S.R. 66 - By Sims: Extending congratulations to Mr. and Mrs. Tommie Key of Fort Stockton on the occasion of their 50th wedding anniversary.

S.R. 67 - By Sims: Extending congratulations to Mr. and Mrs. S. F. Palmer of Robert Lee on the occasion of their 50th wedding anniversary.

S.R. 68 - By Sims: Extending congratulations to Mr. and Mrs. Edward C. Ellis of San Angelo on the occasion of their 50th wedding anniversary.

S.R. 69 - By Sims: Extending congratulations to Mr. and Mrs. Alley James Bilbo of Robert Lee on the occasion of their 70th wedding anniversary.

S.R. 70 - By Sims: Extending congratulations to Mr. and Mrs. Russell Sallee on the occasion of their 50th wedding anniversary.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 4:53 p.m. adjourned until 2:00 p.m. Sunday, July 28, 1991.

ELEVENTH DAY

(Sunday, July 28, 1991)

The Senate met at 2:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Heavenly Father, we seek Thy presence this afternoon as this work session begins and pray that the actions of the Senate today will find favor with You. Grant that this will be a day of progress, when the minds and energies of the Senate focus on the urgent and unfinished agenda.

Thank You for the individual gifts You have generously provided us and may we use them in ways that today will make life more abundant for others. Forbid that we should be careless in our dealings with others or indifferent to the opportunities of service to friend or foe. In Your name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Friday, July 26, 1991, was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Glasgow submitted the following report for the Committee on State Affairs:

C.S.H.J.R. 10

Senator Montford submitted the following report for the Committee on Finance:

C.S.S.B. 71

C.S.H.B. 2

MESSAGE FROM THE HOUSE

House Chamber
July 28, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 3, Relating to state and local government finances, including the administration, management, use, payment, expenditure, transfer, receipt, and collection of certain state and local funds and revenue, and the authority of certain state agencies to issue bonds and make certain expenditures. (As substituted and amended)

H.B. 158, Relating to the administration and financing of, benefits payable by, and credit under programs administered by the Teacher Retirement System of Texas.

The House has refused to concur in Senate amendments to **H.B. 7** and has requested the appointment of a Conference Committee to consider the differences between the two houses. The following have been appointed on the part of the House: Vowell, Chair; Barton, Delco, Linebarger, Williamson.

The House has refused to concur in Senate amendments to **H.B. 78** and has requested the appointment of a Conference Committee to consider the differences between the two houses. The following have been appointed on the part of the House: Gibson, Chair; Laney, Perez, A. Hill, Junell.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 158, To Committee on Finance.

CONFERENCE COMMITTEE ON HOUSE BILL 7

Senator Brooks called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 7** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 7** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Brooks, Chair; Moncrief, Krier, Lucio, Harris of Tarrant.

SENATE BILL 82 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 82, Relating to the levy of an assessment against certain hospitals and hospital districts and to the use of those funds; making an appropriation.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **S.B. 82**, Section 9, Subsection (b), by striking everything after the word "Health" and inserting in lieu thereof the following:

"Human Services to be used only for making payments through the Medicaid disproportionate share program to rural hospitals that provide a disproportionate amount of uncompensated care to low-income and uninsured patients."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 82 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 82** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Henderson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 9 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 9, Relating to the regulation, construction, financing, and use of highways, rail facilities, airports, and other facilities for public transportation, including the regulation of private vehicles operated on highways.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 9** by adding the following as new Subsection (h) on line 56, page 7, and renumbering the following sections accordingly:

(h) A member of the board is not entitled to compensation but is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the board.

The amendment was read and was adopted by a viva voce vote.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.H.B. 9** by striking the words "February 1, 1996" on line 10, page 26, and substituting therefor "September 1, 1995".

The amendment was read and was adopted by a viva voce vote.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 3

Amend **C.S.H.B. 9** by:

- a.) striking Section 4.21, lines 69 and 70, page 25, and lines 1 through 4, page 26, in its entirety and renumbering the following sections accordingly; and
- b.) striking the words "and Section 4.21 of this article" on line 6, page 26.

The amendment was read and was adopted by a viva voce vote.

(Senator Ellis in Chair)

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 4

Amend **C.S.H.B. 9** as follows:

a.) Strike lines 3 through 11, page 10, and substitute therefor the following:
Sec. 1.05. TRANSFER TO TEXAS DEPARTMENT OF
TRANSPORTATION. The Texas Motor Vehicle Commission is a division of the
Texas Department of Transportation. The director of the Texas Motor Vehicle
Commission is chosen by the board. The board and the director maintain exclusive
control of all rule-making and adjudicatory action of the Commission or the
director.

b.) Strike SECTION 1.19, lines 26 through 35, page 10, and substitute therefor the following and renumbering all following sections accordingly:

SECTION 1.19. The Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes) is amended by adding Section 7.02 to read as follows:

Sec. 7.02. CONSTRUCTION OF LAWS. A reference in law to the Texas Motor Vehicle Commission means the Texas Department of Transportation. A reference in law to the executive director of the Texas Motor Vehicle Commission means the executive director of the Texas Department of Transportation, provided, however, that the executive director may delegate the duties to the director of the Texas Motor Vehicle Commission division in the Texas Department of Transportation.

SECTION 1.20. Sections 1.01, 2.01a, 2.02, 2.02A, 2.093, 2.04, 2.05, 2.06, 2.07, 2.08, 2.08A, 2.09, 2.09A, 2.13, Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes), as amended by H.B. 524, Acts of the 72nd Legislature, Regular Session, 1991, are repealed.

SECTION 1.21. (a) The Texas Motor Vehicle Commission is abolished. All powers, duties, obligations, and rights of action of that commission are transferred to the Texas Department of Transportation on the effective date of this section.

(b) The personnel, property, records, and funds in the custody of the Texas Motor Vehicle Commission on the effective date of this section are transferred to the Texas Department of Transportation.

(c) A license issued by the Texas Motor Vehicle Commission that is in effect on the effective date of this section is valid for the period for which it was issued unless suspended or revoked by the Texas Department of Transportation.

(d) The unobligated and unexpended balance of any appropriation made to the Texas Motor Vehicle Commission for the state fiscal biennium ending August 31, 1993, is transferred and reappropriated to the Texas Department of Transportation for the purpose of implementing the duties of the former Texas Motor Vehicle Commission.

(e) A rule adopted by the Texas Motor Vehicle Commission that is in effect on the effective date of this section continues in effect until it is amended or repealed by the commissioner of the Texas Department of Transportation or it expires by its own terms.

c.) Strike the words "Section 1.03 of this article takes effect" on line 65, page 11, and insert therefor the following:

"Sections 1.03, 1.19, 1.20, and 1.21 of this article take effect"

and by changing the words "1.21, 1.22, and 1.23" on line 66, page 11, to reflect the renumbering of those sections resulting from this amendment.

The amendment was read and was adopted by the following vote: Yeas 23, Nays 7.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Krier, Leedom, Ratliff.

Absent: Henderson.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.H.B. 9 on page 16 by striking Section 3.07 and renumbering the remaining sections accordingly.

The amendment was read.

(President in Chair)

On motion of Senator Glasgow, the amendment was tabled by the following vote: Yeas 20, Nays 9.

Yeas: Armbrister, Bivins, Carriker, Ellis, Glasgow, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Leedom, Moncrief, Montford, Ratliff, Rosson, Sims, Truan, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Brooks, Brown, Dickson, Green, Lucio, Lyon, Sibley, Tejada.

Absent: Harris of Dallas, Parker.

Senator Sims offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.H.B. 9 by adding a new section to read as follows:

SECTION _____. Amend Section (3)(c), Article 6701d-11, by adding a new subsection (6) to read as follows:

"The length limitations of this subsection do not apply to machinery used solely for drilling water wells including machinery that is a unit in itself or that is a unit mounted on a conventional vehicle or chassis."

The amendment was read and was adopted by a viva voce vote.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.H.B. 9 by deleting Subsection (h), Section 1.21, and amending Subsection (g), Section 1.21, to read as follows:

(g) The members of the State Highway and Public Transportation Commission serving immediately before the effective date of this section shall exercise the authority granted to the Texas Transportation Commission and shall continue in office as the initial members of the State Board of Transportation.

The amendment was read and failed of adoption by a viva voce vote.

RECORD OF VOTES

Senators Green, Henderson, Brown, Harris of Tarrant, Montford and Whitmire asked to be recorded as voting "Yea" on the motion to adopt the amendment.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.H.B. 9 in Article I by striking SECTIONS 1.08, 1.22, 1.23, and 1.24.

The amendment was read.

On motion of Senator Green, the amendment was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Johnson, Krier, Lucio, Moncrief, Montford, Parker, Ratliff, Rosson, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lyon, Sibley, Sims.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 9

Amend C.S.H.B. 9 in Article 2, SECTION 2.011, by inserting the word “regular” between “regarding the” and “use of private” in the first sentence of the proposed Article 6674g-1.

RATLIFF
GREEN

The amendment was read and was adopted by a viva voce vote.

(Senator Armbrister in Chair)

(President in Chair)

Senator Carriker offered the following amendment to the bill:

Floor Amendment No. 10

Amend C.S.H.B. 9 as follows:

(1) Strike SECTION 4.15 and substitute the following:

SECTION 4.15. Subsections (b), (d), (e), and (g), Section 3, Chapter 679, Acts of the 64th Legislature, 1975 (Article 6663c, Vernon's Texas Civil Statutes), as amended by H.B. 235, Acts of the 72nd Legislature, Regular Session, 1991, are amended to read as follows:

(b) The commission shall allocate the money to two ~~[three]~~ categories, as follows:

(1) 50 ~~[20]~~ percent of the money must be allocated in urbanized areas, each with a population larger than 200,000, according to the most recent federal census;

[(2)-40] percent of the money must be allocated in urbanized areas that have [each with] a population of not less than 50,000 [or more than 200,000], according to the most recent federal census and that are not served by an authority and to areas not part of an authority but located in urbanized areas that have a population of not less than 50,000 according to the most recent federal census and that include one or more authorities; and

(2) 50 [(3)-40] percent of the money must be allocated in urban areas [each] with a population of less than 50,000, according to the most recent federal census, or in rural areas.

(d) Of the money allocated under Subsection ~~(b)(1)~~ ~~[(b)(2)]~~ of this section, the commission shall distribute an amount equal to the sum of:

(1) 90 percent of the total amount to designated recipients operating public transportation services in urbanized areas, each with a population of not less than 50,000 ~~[or more than 200,000]~~, according to the most recent federal census; and

(2) 10 percent of the total amount to designated recipients for federally assisted public transportation projects in urbanized areas, each with a population of not less than 50,000 ~~[or more than 200,000]~~, according to the most recent federal census, selected by the commission.

(e) The commission shall distribute the money apportioned under Subsection (d)(1) of this section in each urbanized area that has an operating transit system and is receiving funds in accordance with Section 1607a of the federal Urban Mass Transportation Act (49 U.S.C. Section 1607a, Subsection (a)(1)) in an amount equal to the sum of:

(1) one-half of the total amount allocated to that category multiplied by the ratio that the population of the urbanized area, excluding the population residing within the area of an authority, bears to the total population of all urbanized areas, excluding the population residing within areas of authorities, in the state in that category operating transit systems and receiving funds in accordance with Section 1607a of the federal Urban Mass Transportation Act (49 U.S.C. Section 1607a, Subsection (a)(1)); and

(2) one-half of the total amount allocated to that category multiplied by the ratio that the number of inhabitants per square mile of the urbanized area, excluding the number of inhabitants per square mile attributable to an authority, bears to the combined number of inhabitants per square mile of all urbanized areas, excluding the number of inhabitants per square mile attributable to authorities, in the state in that category operating transit systems and receiving funds in accordance with Section 1607a of the federal Urban Mass Transportation Act (49 U.S.C. Section 1607a, Subsection (a)(1)).

(g) Of the money allocated under Subsection (b)(2) ~~[(b)(3)]~~ of this section, the commission shall distribute:

(1) 90 percent of the total amount to designated recipients operating public transportation services in urban areas, each with a population of less than 50,000, according to the most recent federal census, or in rural areas; and

(2) 10 percent of the total amount to designated recipients for federally assisted rural public transportation projects, selected by the commission.

(2) Strike SECTION 4.19 and substitute the following:

SECTION 4.19. Subsection (c), Section 3, Chapter 679, Acts of the 64th Legislature, 1975 (Article 6663c, Vernon's Texas Civil Statutes), is repealed.

The amendment was read and was adopted by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Dickson, Glasgow, Green, Haley, Harris of Tarrant, Johnson, Lucio, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Turner, Whitmire, Zaffirini.

Nays: Brooks, Brown, Ellis, Harris of Dallas, Henderson, Krier, Leedom, Lyon, Moncrief, Truan.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 11

Amend C.S.H.B. 9 on page 5 beginning on line 65 by deleting proposed Subsection (f).

The amendment was read and was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Carriker, Dickson, Green, Haley, Harris of Tarrant, Harris of Dallas, Krier, Leedom, Lucio, Lyon, Parker, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Brown, Ellis, Glasgow, Henderson, Johnson, Moncrief, Montford, Ratliff.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 12

Amend C.S.H.B. 9 as follows:

On pages 12 and 13, delete SECTION 2.01, SECTION 2.011, and SECTION 2.02 and add a new SECTION 2.01 to read as follows:

SECTION 2.01. Chapter 1, Title 116, Revised Statutes, is amended by adding Article 6674g to read as follows:

Art. 6674g. PRIVATE CONTRACT GOALS

Sec. 1. COST COMPARISON OF PRIVATELY PROVIDED SERVICES.

(a) As part of its requirements under the Competitive Cost Review Program pursuant to Section 13.03 of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), the department shall conduct a comparison of the cost of conducting routine maintenance, vehicle maintenance, and engineering and design through employees of the department and through private contractors. The comparison shall compare the cost of services and the quality of services.

(b) The department shall consider all of its direct and indirect costs in determining the cost of providing the services. The department shall use the cost accounting procedures and instructions developed by the State Auditor under Section 13.04(a), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes). On request, the State Auditor shall provide technical assistance to the department about cost-accounting procedures and instructions.

(c) In determining the cost of contracted services costs, the department shall survey private contractors who currently provide or could provide services to the department. The survey will gather information on the average wages, salaries, health and retirement benefits paid to employees performing tasks comparable to those performed by the department employees. In determining the cost of privately provided services, the department shall weight the wages, salaries, and paid benefits of private employees to no less than 5% of the wages, salaries, and benefits paid by the department for comparable work if the survey determines private contractors pay wages, salaries, or benefits more than 5% less than that of the department. In determining the cost of privately provided services the department shall also include all of the department's direct and indirect costs in designing, bidding, awarding, and monitoring contracts.

(d) The department may limit its comparison to a sample of internal and privately contracted services as approved by the Executive Director.

Sec. 2. GOALS AND RULES FOR PRIVATELY CONTRACTED SERVICES. (a) The Executive Director shall utilize the comparison in Section 1 of this article to develop annual goals for the department for outside private contracts.

(b) The board shall adopt rules for contracting for services in routine maintenance, vehicle maintenance, and engineering and design with private contractors.

(c) Such rules shall require that contract bids provide information on employee wages and benefits in a manner sufficient to facilitate the cost comparison required in Section 1 of this article.

(d) Such rules shall require all contractors to pay wages and provide benefits to employees which are comparable with those of the department.

(e) The board shall require that contracted highway and vehicle maintenance services must be performed at less than 90% of the total cost for the department to provide those services.

Sec. 3. ANNUAL REPORT. The department shall file a report with the Legislative Budget Board on September 1 of each fiscal year detailing the contracts awarded by the department under this section during the previous fiscal year.

The amendment was read.

On motion of Senator Barrientos and by unanimous consent, the amendment was withdrawn.

(Senator Brown in Chair)

(President in Chair)

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 13

Amend C.S.H.B. 9 on page 4 beginning on line 58 by deleting the proposed Article 6669(a) and substituting the following:

Art. 6669. EXECUTIVE DIRECTOR ~~[ENGINEER DIRECTOR]~~. (a) The board ~~[Commission]~~ shall nominate an executive director ~~[a State Engineer Director]~~ for the Texas Department of ~~[Highways and Public]~~ Transportation who shall be appointed by the Governor with the advice and consent of the Senate. The Executive Director shall be a Registered Professional Engineer in the State of Texas experienced and skilled[:

~~[(1) in highway construction and maintenance; and~~

~~[(2) in [public and mass] transportation planning, [of] development, construction, and maintenance.~~

The amendment was read.

On motion of Senator Glasgow, the amendment was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Bivins, Brown, Dickson, Glasgow, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Lcedom, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Turner, Whitmire.

Nays: Barrientos, Brooks, Carriker, Ellis, Green, Lucio, Lyon, Tejeda, Truan, Zaffirini.

Senator Barrientos again offered the following amendment to the bill:

Floor Amendment No. 12

Amend C.S.H.B. 9 as follows:

On page 12 and 13, delete SECTION 2.01, SECTION 2.011, and SECTION 2.02, and add a new section 2.01 to read as follows:

SECTION 2.01. Chapter 1, Title 116, Revised Statutes, is amended by adding Article 6674g to read as follows:

Art. 6674g. PRIVATE CONTRACT GOALS

Sec. 1. COST COMPARISON OF PRIVATELY PROVIDED SERVICES.

(a) As part of its requirements under the Competitive Cost Review Program pursuant to Section 13.03 of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), the department shall conduct a comparison of the cost of conducting routine maintenance, vehicle maintenance, and engineering and design through employees of the department and through private contractors. The comparison shall compare the cost of services and the quality of services.

(b) The department shall consider all of its direct and indirect costs in determining the cost of providing the services. The department shall use the cost accounting procedures and instructions developed by the State Auditor under Section 13.04(a), State Purchasing and General Services Act (Article 601b, Vernon's

Texas Civil Statutes). On request, the State Auditor shall provide technical assistance to the department about cost-accounting procedures and instructions.

(c) In determining the cost of contracted services costs, the department shall survey private contractors who currently provide or could provide services to the department. The survey will gather information on the average wages, salaries, health and retirement benefits paid to employees performing tasks comparable to those performed by the department employees. In determining the cost of privately provided services, the department shall weight the wages, salaries, and paid benefits of private employees to no less than 5% of the wages, salaries, and benefits paid by the department for comparable work if the survey determines private contractors pay wages, salaries, or benefits more than 5% less than that of the department. In determining the cost of privately provided services the department shall also include all of the department's direct and indirect costs in designing, bidding, awarding, and monitoring contracts.

(d) The department may limit its comparison to a sample of internal and privately contracted services as approved by the Executive Director.

Sec. 2. GOALS AND RULES FOR PRIVATELY CONTRACTED SERVICES. (a) The Executive Director shall utilize the comparison in Section 1 of this article to develop annual goals for the department for outside private contracts.

(b) The board shall adopt rules for contracting for services in routine maintenance, vehicle maintenance, and engineering and design with private contractors.

(c) Such rules shall require that contract bids provide information on employee wages and benefits in a manner sufficient to facilitate the cost comparison required in Section 1 of this article.

(d) Such rules shall require all contractors to pay wages and provide benefits to employees which are comparable with those of the department.

(e) The board shall require that contracted highway and vehicle maintenance services must be performed at less than 90% of the total cost for the department to provide those services.

Sec. 3. ANNUAL REPORT. The department shall file a report with the Legislative Budget Board on September 1 of each fiscal year detailing the contracts awarded by the department under this section during the previous fiscal year.

The amendment was read.

Senator Turner offered the following amendment to Floor Amendment No. 12:

Floor Amendment No. 12a

Amend Floor Amendment No. 12 by deleting Section 1(c).

The amendment to the amendment was read and was adopted by a viva voce vote.

(Senator Haley in Chair)

Senator Turner offered the following amendment to Floor Amendment No. 12:

Floor Amendment No. 12b

Amend Floor Amendment No. 12 by deleting Section 2(d).

The amendment to the amendment was read and was adopted by a viva voce vote.

Question recurring on adoption of Floor Amendment No. 12 as amended, on motion of Senator Glasgow, the amendment as amended was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Bivins, Brown, Carriker, Dickson, Glasgow, Green, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Ratliff, Sibley, Sims, Whitmire.

Nays: Armbrister, Barrientos, Brooks, Ellis, Haley, Johnson, Rosson, Tejeda, Truan, Turner, Zaffirini.

Absent: Parker.

Senator Dickson offered the following amendment to the bill:

Floor Amendment No. 14

Amend C.S.H.B. 9, Section 1.04, Article 6664, at page 3, line 13, by adding the following new Subsection (b) as follows and renumbering subsequent sections appropriately:

(b) One member must reside in a rural area.

The amendment was read.

Senator Green moved to table the amendment.

The motion to table was lost by the following vote: Yeas 14, Nays 17.

Yeas: Brooks, Brown, Ellis, Green, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Moncrief, Parker, Rosson, Whitmire.

Nays: Armbrister, Barrientos, Bivins, Carriker, Dickson, Glasgow, Haley, Lucio, Lyon, Montford, Ratliff, Sibley, Sims, Tejeda, Truan, Turner, Zaffirini.

Question recurring on adoption of Floor Amendment No. 14, the amendment was adopted by the following vote: Yeas 17, Nays 13.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Dickson, Glasgow, Haley, Lucio, Lyon, Montford, Ratliff, Sibley, Sims, Tejeda, Truan, Turner, Zaffirini.

Nays: Brooks, Brown, Ellis, Green, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Moncrief, Rosson, Whitmire.

Absent: Parker.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 15

Amend C.S.H.B. 9 as follows:

On page 3, line 11, replace the word "three" with the word "six".

On page 11, line 29, replace the word "three" with the word "six".

On page 11, lines 31, 32, and 33, replace the word "one" with the word "two".

The amendment was read.

(President in Chair)

On motion of Senator Leedom, the amendment was tabled by the following vote: Yeas 24, Nays 7.

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Dickson, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lyon, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Turner, Whitmire.

Nays: Barrientos, Ellis, Lucio, Moncrief, Tejeda, Truan, Zaffirini.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 16

Amend C.S.H.B. 9 as follows:

On page 11, line 34, strike SECTION 1.22 and insert the following:

SECTION 1.22. Chapter 1, Title 116, Revised Statutes, is amended by Article 6674v-8 to read as follows:

Art. 6674v-8. TEXAS TURNPIKE DIVISION. (a) The Texas Turnpike Authority is under the Texas Department of Transportation and shall be known as the Turnpike Division. The Turnpike Division shall perform all of its actions under Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6674v, Vernon's Texas Civil Statutes), including amendments made by H.B. 749, Acts of the 72nd Legislature, Regular Session, 1991.

(b) The Executive Director shall appoint a separate director to administer the Turnpike Division. The director of the Turnpike Division shall report directly to the Executive Director.

(c) The Texas Turnpike Division is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the Division is abolished and this Act expires September 1, 2003.

(d) The Texas Turnpike Authority Board of Directors is hereby abolished.

The amendment was read.

Senator Harris of Dallas offered the following amendment to Floor Amendment No. 16:

Floor Amendment No. 16a

Amend Floor Amendment No. 16 to C.S.H.B. 9 as follows:

(1) On page 11, lines 34 - 62, strike SECTIONS 1.22, 1.23, and 1.24 and substitute the following:

SECTION 1.22. Chapter 1, Title 116, Revised Statutes, is amended by adding Article 6674v-8 to read as follows:

Art. 6674v-8. TEXAS TURNPIKE AUTHORITY. (a) The Texas Turnpike Authority is under the Texas Department of Transportation. The Turnpike Authority shall perform all of its actions under Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6674v, Vernon's Texas Civil Statutes), including amendments made by H.B. 749, Acts of the 72nd Legislature, Regular Session, 1991.

(b) The Texas Turnpike Authority is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the authority is abolished and this Act expires September 1, 2003.

The amendment was read.

On motion of Senator Green, the amendment to the amendment was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Armbrister, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Sibley, Sims.

Senator Leedom offered the following amendment to Floor Amendment No. 16:

Floor Amendment No. 16b

Amend Floor Amendment No. 16 to C.S.H.B. 9 by deleting (d).

The amendment was read.

On motion of Senator Green, the amendment to the amendment was tabled by the following vote: Yeas 18, Nays 13.

Yeas: Armbrister, Barrientos, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Lyon, Moncrief, Montford, Ratliff, Rosson, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brooks, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Parker, Sibley, Sims.

Question recurring on adoption of Floor Amendment No. 16, the amendment was adopted by a viva voce vote.

RECORD OF VOTES

Senators Harris of Dallas, Sims, Bivins, Krier, Sibley and Johnson asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 17

Amend C.S.H.B. 9 by inserting a new SECTION 1.09 to read as follows on page 12 and renumbering the following sections accordingly:

SECTION 1.09. CONNECTION OF A PRIVATE TURNPIKES AND TOLL PROJECTS WITH THE STATE HIGHWAY SYSTEM. (a) Notwithstanding any other provision of law, the State Board of Transportation and the Texas Department of Transportation shall not approve the connection of any privately-owned turnpike or toll project to any of the roads, bridges or highways included in the state highway system located in any of the first two tiers of counties along the border between the State of Texas and the Republic of Mexico or any of its States before September 1, 1993.

(b) The Speaker of the Texas House of Representatives and the President of the Texas Senate shall appoint a special joint committee, including public members, to explore the potential impact of toll projects located in the counties affected by this section on the free flow of trade between the Republic of Mexico and the State of Texas and upon the economies of cities and counties within the first two tiers of counties along the border between the State of Texas and the Republic of Mexico and any of its States. The committee shall complete its study by January 1, 1993, and shall report its findings and recommendations to the Regular Session of the 73rd Legislature.

(c) For the purpose of this article, "turnpike" or "toll project" means any road or highway, a bridge, a ferry, or any other project that is financed in whole or part through the issuance of revenue bonds from the toll revenue collected on the project.

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The amendment was read.

(Senator Sibley in Chair)

Senator Krier offered the following amendment to Floor Amendment No. 17:

Floor Amendment No. 17a

Amend Floor Amendment No. 17 to C.S.H.B. 9 by striking Subparagraph (a) and renumbering accordingly.

The amendment was read.

On motion of Senator Zaffirini, the amendment to the amendment was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Ratliff, Sibley, Sims.

Question recurring on adoption of Floor Amendment No. 17, the amendment was adopted by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Ratliff, Sibley and Sims asked to be recorded as voting "Nay" on the adoption of the amendment.

(President in Chair)

Senator Dickson offered the following amendment to the bill:

Floor Amendment No. 18

Amend C.S.H.B. 9, SECTION 3.05, page 16, to read as follows:

SECTION 3.05. Article VI, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Section 4B to read as follows:

Sec. 4B. PERSONNEL. (a) The department may not assign a total of more than 100 commissioned officers plus supervising personnel to staff driver's license facilities.

(b) The department may assign, in addition to those officers in Subsection (a), a total of not more than 77 commissioned officers to staff schedule stations.

(c) A schedule reducing the number of commissioned officers assigned to driver's license facilities shall be developed by the director in accordance with this section and shall be implemented over a five-year period beginning September 1, 1991. A report detailing the schedule shall be filed with the Legislative Budget Board.

The amendment was read.

On motion of Senator Moncrief, the amendment was tabled by the following vote: Yeas 17, Nays 14.

Yeas: Armbrister, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Leedom, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Truan.

Nays: Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Harris of Dallas, Lucio, Lyon, Sims, Tejada, Turner, Whitmire, Zaffirini.

Senator Harris of Dallas offered the following amendment to the bill:

Floor Amendment No. 19

Amend C.S.H.B. 9 by inserting the following new SECTION 1.09 of the bill, by renumbering current SECTION 1.09 as SECTION 1.10, and by renumbering all subsequent sections of Article of the bill accordingly:

SECTION 1.09. Section 4.202, County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes), is amended by adding Subsection (h) to read as follows:

"(h) A county tax assessor-collector may delegate to a full service deputy, in the manner chosen by the county tax assessor-collector, the authority to utilize data-processing equipment and software provided by the Texas Department of Transportation for use in the titling and registration of motor vehicles. The Texas Department of Transportation may not limit the ability of a county tax assessor-collector to delegate the functions of the county tax assessor-collector to a qualified full service deputy with respect to the titling and registration of motor vehicles in any manner the county tax assessor-collector deems appropriate.

The amendment was read.

On motion of Senator Harris of Dallas and by unanimous consent, the amendment was withdrawn.

LEAVE OF ABSENCE

On motion of Senator Brooks and by unanimous consent, Senator Dickson was granted leave of absence for the remainder of the day.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 20

Amend C.S.H.B. 9 as follows:

(1) In Article 1, add a new section, appropriately numbered, to read as follows:

SECTION 1._____. A private entity may not construct or operate a toll road in the extraterritorial jurisdiction of a municipality in a county that has a population under 175,000, according to the most recent federal census, and that is adjacent to Mexico, without the approval of the municipality. In determining whether to grant approval, the municipality shall consider the impact of the proposed toll road on the overall transportation plan of the municipality.

(2) Renumber the remaining sections as appropriate.

The amendment was read.

On motion of Senator Zaffirini and by unanimous consent, the amendment was withdrawn.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 21

Amend C.S.H.B. 9 as follows:

(1) In Article 1, add a new section, appropriately numbered to read as follows:

SECTION 1._____. (a) Notwithstanding any other provision of law, a private entity may not construct or operate a toll road in a county that has a population under 600,000, according to the most recent federal census, and that is adjacent to Mexico or the Gulf of Mexico without the approval of the county. In determining

whether to grant approval, the county shall consider the impact of the proposed toll road on the overall transportation plan of the county.

(b) A private entity may not construct or operate any portion of a toll road constructed in whole or in part by a private entity in the extraterritorial jurisdiction of a municipality in a county that has a population under 600,000, according to the most recent federal census, and that is adjacent to Mexico or the Gulf of Mexico, without the approval of the municipality. In determining whether to grant approval, the municipality shall consider the impact of the proposed toll road on the overall transportation plan of the municipality.

(2) Renumber the remaining sections accordingly.

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The amendment was read.

On motion of Senator Glasgow, the amendment was tabled by the following vote: Yeas 17, Nays 13.

Yeas: Armbrister, Bivins, Brown, Carriker, Glasgow, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Montford, Parker, Ratliff, Sibley, Sims, Turner.

Nays: Barrientos, Brooks, Ellis, Green, Haley, Lucio, Lyon, Moncrief, Rosson, Tejeda, Truan, Whitmire, Zaffirini.

Absent: Dickson.

Senator Harris of Dallas again offered the following amendment to the bill:

Floor Amendment No. 19

Amend C.S.H.B. 9 by inserting the following new SECTION 1.09 of the bill, by renumbering current SECTION 1.09 as SECTION 1.10, and by renumbering all subsequent sections of Article of the bill accordingly:

SECTION 1.09. Section 4.202, County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes), is amended by adding Subsection (h) to read as follows:

"(h) A county tax assessor-collector may delegate to a full service deputy, in the manner chosen by the county tax assessor-collector, the authority to utilize data-processing equipment and software provided by the Texas Department of Transportation for use in the titling and registration of motor vehicles. The Texas Department of Transportation may not limit the ability of a county tax assessor-collector to delegate the functions of the county tax assessor-collector to a qualified full service deputy with respect to the titling and registration of motor vehicles in any manner the county tax assessor-collector deems appropriate.

The amendment was read.

Senator Glasgow moved to table the amendment.

The motion to table was lost by the following vote: Yeas 13, Nays 17.

Yeas: Armbrister, Carriker, Ellis, Glasgow, Haley, Lucio, Moncrief, Montford, Parker, Rosson, Tejeda, Truan, Zaffirini.

Nays: Barrientos, Bivins, Brooks, Brown, Green, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lyon, Ratliff, Sibley, Sims, Turner, Whitmire.

Absent: Dickson.

Question recurring on adoption of Floor Amendment No. 19, the amendment was adopted by a viva voce vote.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 22

Amend C.S.H.B. 9 as follows:

(1) In Article 1, add a new section, appropriately numbered, to read as follows:

SECTION 1.____. Chapter 344, Acts of the 49th Legislature, Regular Session, 1945 (Article 46c-1 et seq., Vernon's Texas Civil Statutes), is amended by adding Section 1A to read as follows:

Sec. 1A. AVIATION DIVISION. The powers and duties granted to the department by this Act or other law pertaining to aviation shall be performed, under the direction of the commission, by a division of the department to be known as the aviation division.

(2) Renumber sections and adjust cross-references as appropriate.

The amendment was read and was adopted by a viva voce vote.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 23

Amend C.S.H.B. 9 as follows:

Add the following appropriately numbered section and renumber subsequent sections accordingly:

SECTION Sections 1, 2, 3, 4, 5, 6, 6D, and 10, Chapter 338, Acts of the 64th Legislature, Regular Session, 1975 (Article 6675a-5e.1, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 1. (a) The State Department of Highways and Public Transportation shall provide for the issuance of specially designed ~~[symbols, tabs, or other devices to be attached to the]~~ license plates ~~for [of]~~ motor vehicles regularly operated by or for the transportation of permanently disabled persons. Such license plates ~~[devices]~~ shall be designed [of a design prescribed] by the department and include the international symbol of access which shall be the same size as the numbers on the license plates [and shall have the word "Disabled" printed thereon]. ~~[They shall be issued in addition to regular license plates in years in which license plates are issued or as the legal registration insignia in years in which license plates are not issued.]~~

(b) In addition, the department shall provide removable windshield identification cards for issuance to disabled persons. These cards shall be of a design prescribed by Subsection (c) [the department]. Cards issued to permanently disabled persons are valid for a maximum period of five years. A card issued to a permanently disabled person may be replaced or renewed on request of the person to whom the initial card was issued [permanently]. Cards issued to temporarily disabled persons become invalid after a definite time to be determined by the department.

(c) In this Act:

(1) "Removable windshield identification card" means a two-sided, hooked placard which includes on each side:

(A) the international symbol of access, which is at least three inches in height, centered on the placard, and white on a blue shield for permanent disability cards and white on a red shield for temporary disability cards;

(B) an identification number;

(C) a date of expiration; and

(D) the seal or other identification of the State Department of Highways and Public Transportation.

(2) "International symbol of access" means the symbol adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled.

Sec. 2. (a) A person is disabled who has mobility problems that substantially impair the person's ability to ambulate, or who is legally blind. In this Act, "legally blind" means having not more than 20/200 of visual acuity in the better eye with correcting lenses, or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(b) Owners of motor vehicles regularly operated by or for the transportation of [such] persons described in Subsection (a) of this section may make application to the department through the county tax collector of the county in which they reside for the special license plates or a removable windshield identification card [symbol; tab; or other device] on a form prescribed and furnished by the department. A permanently disabled person may receive a set of special license plates and one removable windshield identification card or may receive no special license plates and two removable windshield identification cards. A temporarily disabled person may receive two removable windshield identification cards that may be renewed at the end of the period for which they were issued if the disability remains. The first such application must be accompanied by acceptable medical proof that the operator or regularly transported passenger is currently or [and] permanently disabled.

(c) [A disabled person may apply for an identification card to the department through the county tax collector of the county in which the person resides on a form prescribed and furnished by the department. The application of each permanently disabled person must be accompanied by medical proof acceptable to the department that the applicant is currently disabled and that the applicant's disability will continue for the applicant's lifetime. The application of each temporarily disabled person must be accompanied by medical proof acceptable to the department that the applicant is currently disabled.]

[(d)] A written statement from a physician is not required as acceptable medical proof under this section if:

(1) the disabled person is an amputee who has had a limb, hand, or foot amputated or if the disabled person is confined to a wheelchair; and

(2) the applicant and the county tax collector or his designee issuing the special license plates or removable windshield identification [symbol; tab;] card; [or other device] execute a sworn affidavit attesting to the applicant's disability.

Sec. 3. An application for license plates [a symbol; tab; or other device] shall be submitted to the county tax collector of the vehicle owner's resident county and shall be accompanied by the annual registration fee prescribed by law for the particular vehicle being registered [plus \$1]. Applications for removable windshield [disabled person] identification cards shall be submitted to the county tax collector of the disabled person's county and shall be accompanied by \$5. The county tax collector shall forward the fees to the department for deposit in the State Highway Fund to defray the cost of providing the removable windshield [specially designed symbols, tabs, or other devices and] identification cards. The county tax collector shall also forward a copy of the application for a removable windshield identification card to the department.

Sec. 4. Special license plates [The special devices] shall be issued [only] for motorcycles with side cars that have been specifically modified by the manufacturer to be operated by disabled persons and passenger vehicles and light commercial

vehicles having a manufacturer's rated carrying capacity of one ton or less operated by or for the transportation of permanently disabled persons for noncommercial use.

Sec. 5. (a) The department shall furnish the removable windshield [~~special devices and~~] identification cards to the appropriate county tax assessor-collector.

(b) The department shall provide at cost a design and stencil for use by political subdivisions or persons who own or control property used for parking to designate parking spaces as provided by Section 6A of this Act.

Sec. 6. (a) Any vehicle upon which such special license plates [~~devices~~] are displayed or in which a removable windshield [~~disabled person~~] identification card is placed on [~~in~~] the rearview mirror [~~lower-left-hand side~~] of the front windshield, when being operated by or for the transportation of a disabled person, shall be allowed to park for unlimited periods in any parking space or parking area designated specifically for the physically handicapped.

(b) The owner of a vehicle on which the special license plates [~~devices~~] are displayed or in which a removable windshield [~~disabled person~~] identification card is placed on [~~in~~] the rearview mirror [~~lower-left-hand side~~] of the front windshield is exempt from the payment of fees or penalties imposed by a governmental authority for parking at a meter or in a space with a limitation on the length of time for parking, unless the vehicle was not parked at the time by or for the transportation of a disabled person. This exemption does not apply to fees or penalties imposed by a branch of the United States government. This section does not permit parking a vehicle at a place or time that parking is prohibited.

Sec. 6D. [(a) In this section, "international symbol of access" means the universally accepted symbol that identifies the handicapped or disabled:

[(b)] A vehicle displaying a license plate or removable windshield identification card that bears the international symbol of access and that is issued by a state as defined by Section 311.005, Government Code, or a state or province of a foreign country to the owner or operator of the vehicle for the transportation of disabled persons may be parked and is exempt from the payment of fees as provided by Sections 6 and 6A of this Act to the same extent as a vehicle bearing special [a] license plates [~~plate device~~] or a removable windshield identification card issued under Section 1 of this Act.

Sec. 10. (a) A person commits an offense if the person is neither temporarily or permanently disabled nor transporting a temporarily or permanently disabled person and parks a vehicle with such special license plates [~~device~~] or displaying a removable windshield [~~disabled person~~] identification card in a parking space or parking area designated specifically for the disabled by a political subdivision or by a person who owns or controls private property used for parking for which a political subdivision has provided for the application of this section under Subsection (c) of Section 6A of this Act.

(b) A person commits an offense if the person parks a vehicle neither displaying [~~the~~] special license plates [~~device~~] nor displaying a removable windshield [~~disabled person~~] identification card in a parking space or parking area designated specifically for the disabled by a political subdivision or by a person who owns or controls private property used for parking for which a political subdivision has provided for the application of this section under Subsection (c) of Section 6A of this Act.

(c) A person commits an offense if the person parks a vehicle so that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled.

(d) A person commits an offense if he lends a removable windshield [~~an~~] identification card issued to him under this Act to a person who uses the removable windshield identification card in violation of this section.

(e) An offense under this section is a Class C misdemeanor.

SECTION Sections 7 and 9, Chapter 338, Acts of the 64th Legislature, Regular Session, 1975 (Article 6675a-5e.1, Vernon's Texas Civil Statutes), are repealed.

SECTION (a) This Act takes effect January 1, 1992, and applies to specially designed license plates or removable windshield identification cards issued on or after that date.

(b) If a person has registered a motor vehicle under Section 5e, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-5e, Vernon's Texas Civil Statutes), and has placed special symbols, tabs, or other devices as provided for under Section 9(b), Chapter 338, Acts of the 64th Legislature, Regular Session, 1975 (Article 6675a-5e.1, Vernon's Texas Civil Statutes), on the license plates issued, those special symbols, tabs, or other devices and license plates are valid until the annual registration renewal fee is due. On the renewal date license plates with the special symbols, tabs, or other devices having been placed on them shall be turned in to the county tax assessor-collector and new specially designed license plates shall be issued as provided by Chapter 338, Acts of the 64th Legislature, Regular Session, 1975 (Article 6675a-5e.1, Vernon's Texas Civil Statutes). In the event specially designed symbols, tabs, or other devices have been placed on license plates which do not require annual renewal, then those license plates must be replaced with new specially designed license plates or license plates under Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-1 et seq., Vernon's Texas Civil Statutes), no later than December 31, 1992.

(c) A temporary disability identification card issued prior to the effective date of this Act is valid until the card expires according to its terms. A permanent disability card expires on December 31, 1992. A permanent, unexpired identification card may be turned in to the county tax assessor-collector and a removable windshield identification card shall be issued.

SECTION (a) The change in law made by Section 1 of this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

The amendment was read and was adopted by a viva voce vote.

(Senator Haley in Chair)

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 24

Amend **C.S.H.B. 9**, **SECTION 1.04**, on page 3, line 53, by striking Subsection (g) in its entirety.

The amendment was read and failed of adoption by the following vote: Yeas 15, Nays 15.

Yeas: Armbrister, Bivins, Brooks, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Montford, Ratliff, Sibley, Sims, Whitmire.

Nays: Barrientos, Carriker, Ellis, Glasgow, Green, Haley, Johnson, Lyon, Moncrief, Parker, Rosson, Tejada, Truan, Turner, Zaffirini.

Absent: Dickson.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 25

Amend C.S.H.B. 9 on page 16 by striking SECTION 3.07 and substituting in lieu thereof the following:

SECTION 3.07. Subsection (c), Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(c)(1) The department may adopt rules necessary for the administration and enforcement of Article XV of this Act.

(2) The director shall develop a plan to use commissioned peace officers to be the law enforcement component to administer the motor vehicle inspection and maintenance program established by this article by September 1, 1992, and maximize the appropriate and efficient use of noncommissioned civilian personnel in that plan.

(3) The director, in close consultation with the Board of Public Safety and the Texas Air Control Board or its successor, shall expedite the law enforcement mission of the Texas Clean Air Act and other relevant environmental laws.

The amendment was read.

(President in Chair)

On motion of Senator Glasgow, the amendment was tabled by the following vote: Yeas 15, Nays 15.

The President announced he would vote "Yea" on the motion to table the amendment.

Yeas: Bivins, Brown, Ellis, Glasgow, Haley, Harris of Tarrant, Johnson, Krier, Leedom, Moncrief, Parker, Ratliff, Rosson, Sibley, Whitmire.

Nays: Armbrister, Barrientos, Brooks, Carriker, Green, Harris of Dallas, Henderson, Lucio, Lyon, Montford, Sims, Tejeda, Truan, Turner, Zaffirini.

Absent: Dickson.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 26

Amend C.S.H.B. 9 on page 2, line 58, by adding a new SECTION 1.03 to read as follows and renumbering subsequent sections as necessary:

SECTION 1.03. CONSTRUCTION AND MAINTENANCE OF STATE PARK ROADS. Notwithstanding any other law, the Texas Department of Transportation shall construct, repair, and maintain roads in and adjacent to state parks. Any private land required for right of way purposes shall be acquired by the Department of Transportation. Construction, maintenance, repairs or acquisition made under this section shall be paid from the State Highway Fund.

The amendment was read and was adopted by a viva voce vote.

**VOTE ON ADOPTION OF
FLOOR AMENDMENT NO. 4 RECONSIDERED**

On motion of Senator Green and by unanimous consent, the vote by which Floor Amendment No. 4 was adopted was reconsidered.

Question—Shall Floor Amendment No. 4 be adopted?

Senator Henderson offered the following substitute amendment for Floor Amendment No. 4:

Floor Amendment No. 27

Amend Floor Amendment No. 4 to **C.S.H.B. 9** by substituting the following:

(1) On page 10, line 4, delete the underlined word "independent".

The substitute amendment was read and was adopted by a viva voce vote.

Question recurring on adoption of Floor Amendment No. 4 as substituted, the amendment as substituted was adopted by a viva voce vote.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 28

Amend **C.S.H.B. 9** on page 16 by striking SECTION 3.07 and substituting in lieu thereof the following:

SECTION 3.07. Subsection (c), Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(c)(1) The department may adopt rules necessary for the administration and enforcement of Article XV of this Act.

(2) The director shall develop a plan to use commissioned peace officers to be the law enforcement component to administer the motor vehicle inspection and maintenance program established by this article by March 1, 1992, and maximize the appropriate and efficient use of noncommissioned civilian personnel in that plan.

(3) The director, in close consultation with the Board of Public Safety and the Texas Air Control Board or its successor, shall expedite the law enforcement mission of the Texas Clean Air Act and other relevant environmental laws.

BROWN
BROOKS

The amendment was read and failed of adoption by the following vote: Yeas 11, Nays 19.

Yeas: Barrientos, Brooks, Brown, Harris of Dallas, Henderson, Lucio, Lyon, Montford, Sims, Tejeda, Truan.

Nays: Armbrister, Bivins, Carriker, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Johnson, Krier, Leedom, Moncrief, Parker, Ratliff, Rosson, Sibley, Turner, Whitmire, Zaffirini.

Absent: Dickson.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

RECORD OF VOTES

Senators Henderson and Leedom asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 9 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Dickson.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Brooks, Brown, Harris of Dallas, Henderson, Krier, Leedom.

Absent: Dickson.

MEMORIAL RESOLUTION

H.C.R. 2 - (Brooks): In memory of Richard Graves MacBeth of Galveston.

CONGRATULATORY RESOLUTIONS

H.C.R. 6 - (Brooks): Extending congratulations to Barbara and Tommy Schwartz on the birth of their daughter, Madison Blaise Schwartz.

H.C.R. 7 - (Brooks): Extending congratulations to Christy and Bob Schwartz on the birth of their daughter, Melissa Erin Schwartz.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 8:08 p.m. adjourned until 9:30 a.m. tomorrow.

**TWELFTH DAY
(Monday, July 29, 1991)**

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by Senator Brooks.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Almighty God, let us begin this morning as we should begin every day with a prayer and petition for Your grace and give You thanks for this day's life.

As we approach the midpoint of this special session we are reminded that time is of the essence. We pray for those who must sort out and put in proper order the issues before them.